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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,246

05/18/2005

Dieter Dorsch

MERCK-3013

5745

23599

7590

05/06/2008

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
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EXAMINER

ANDERSON, REBECCA L

ART UNIT

PAPER NUMBER

1626

MAIL DATE

DELIVERY MODE

05/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10535246	5/18/05	DORSCH ET AL.	MERCK-3013

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**EXAMINER**

REBECCA L. ANDERSON

ART UNIT	PAPER
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1626	20080505
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 12 February 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The lack of unity requirement mailed 31 January 2008 required that Applicant elect one of the following: One of the exemplary groups I-XI; a single invention by identifying another specific embodiment of similar scope to the exemplary groups; or a single disclosed species. The reply filed 12 February 2008 elected the compounds of claim 17 which are not one of the exemplary groups I-XI; are not a single invention of similar scope to the exemplary groups; and are not a single disclosed species. Specifically, the compounds of claim 17 are not within one of the exemplary groups as the variables D, T and X vary in the compounds of claim 17, see pages 9 and 10 of the amendment filed 18 May 2005 wherein D can be phenyl or thienyl; X can be carbonyl or C(R3)2; and T can be morpholine, pyridine or piperidine, for example, whereas in the exemplary groups I-XI, the variables D, T and X are specific, i.e. D can only be one of thienyl or phenyl; X can only be one of carbonyl or C(R3)2; and T can only be a specific hetero ring, i.e. pyrrolidine or piperidine. Additionally, the elected compounds of claim 17 are not a single invention of similar scope to the exemplary groups as the compounds of claim 17 have varying groups for D, T and X whereas the exemplary groups have specific values for D, T and X, again, see wherein the exemplary groups have D as only one of thienyl or phenyl; X as only one of carbonyl or C(R3)2 and T as only one specific hetero ring. As the compounds of claim 17 have include D as phenyl and thienyl; X as carbonyl and C(R3)2; and T as a multited of hetero rings, the compounds of claim 17 are not a single invention of similar scope to the exemplary groups. Lastly, the compounds of claim 17 include a multitude of compounds and are not a single disclosed species. In response to this notice, Applicant is required to elect one of the following: one of the exemplary groups I-XI; a single invention by identifying another specific embodiment of similar scope to the exemplary groups; or a single disclosed species. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday from 6:00am until 2:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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5 May 2008

/Rebecca L Anderson/  
Primary Examiner, Art Unit 1626

PTO-90C (Rev.04-03)